

ASSEMBLY BILL

No. 768

Introduced by Assembly Member Thurmond
(Coauthor: Assembly Member Bloom)
(Coauthor: Senator Leno)

February 25, 2015

An act to add Article 1.5 (commencing with Section 118916) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

AB 768, as introduced, Thurmond. Tobacco Free Baseball Act.

Existing law prohibits the smoking of tobacco in every publicly owned building open to the general public for the primary purpose of exhibiting a motion picture, stage drama, music recital, or any other performance, with the exception of any indoor sporting event, except in designated areas.

This bill would prohibit the use of tobacco products, as defined, including smokeless tobacco, in a baseball stadium, which includes the physical area in which a professional, collegiate, high school, or other organized baseball game or practice is occurring. The bill would require a baseball stadium to have posted at every entrance a conspicuous sign clearly communicating that the use of tobacco products, including smokeless tobacco, is prohibited. The bill provides that, if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Tobacco Free Baseball Act.

SEC. 2. Article 1.5 (commencing with Section 118916) is added to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, to read:

Article 1.5. Public Spaces

118916. (a) The Legislature finds and declares that the regulation on tobacco products in professional, collegiate, high school, and other baseball stadiums is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this section to prohibit any tobacco product, including smokeless tobacco, at any time at an event site for professional, collegiate, high school, or other organized baseball games in all baseball stadiums in this state, thereby eliminating the need for local governments to enact tobacco restrictions within their respective jurisdictions.

(b) A person shall not use a tobacco product at any time at a baseball stadium.

(c) For purposes of this section, the following definitions shall apply:

(1) "Baseball stadium" means the physical area in which a professional, collegiate, high school, or other organized baseball game or practice is occurring, including all open, semiopen, and enclosed spaces and structures. A baseball stadium includes, but is not limited to, playing fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices, and recreational areas.

(2) "Organized baseball" means baseball games played in connection with an established league or other association of persons.

(3) "Smokeless tobacco" means a product that contains cut, ground, powdered, or leaf tobacco and is intended to be placed in the oral or nasal cavity, including, but not limited to, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products, and sinus.

(4) "Tobacco product" includes all of the following:

1 (A) A product made or derived from tobacco or nicotine that is
2 intended for human consumption, whether smoked, heated, chewed,
3 absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any
4 other means, including, but not limited to, cigarettes, cigars, little
5 cigars, chewing tobacco, pipe tobacco, and snuff.

6 (B) An electronic device that delivers nicotine or other
7 substances to the person inhaling from the device, including, but
8 not limited to, an electronic cigarette, cigar, pipe, or hookah.

9 (C) A component, part, or accessory of a tobacco product,
10 whether or not sold separately.

11 (D) “Tobacco product” does not include a product that has been
12 approved by the United States Food and Drug Administration for
13 sale as a tobacco cessation product or for other therapeutic purposes
14 where the product is marketed and sold solely for that approved
15 purpose.

16 (d) Each baseball stadium shall have posted at every entrance
17 a conspicuous sign clearly communicating that the use of tobacco
18 products, including smokeless tobacco, is prohibited. These signs
19 shall also be posted in all dugouts, bullpens, locker rooms, and
20 bathrooms.

21 (e) This section shall be construed as supplementing and
22 imposing prohibitions and requirements in addition to those in
23 existing law.

24 (f) The provisions of this section are severable. If any provision
25 of this section or its application is held invalid, that invalidity shall
26 not affect other provisions or applications that can be given effect
27 without the invalid provision or application.